



Building a New Framework to Address Ecological Crises: The Relationship Between Biocultural Diversity Discourse and Indigenous Collective Rights

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OUTLINE

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 - b) Problem statement
 - c) Research three main areas
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2. United Nations Special Rapporteur on the Rights of Indigenous

- a) What is the Special Rapporteur
- b) Main topics of concern
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Context of research projects:

Traditional indigenous territories encompass about 22 percent of the world's land surface and overlap with areas that hold 80 percent of the planet's biodiversity.

Conservation policies implemented in indigenous lands have adversely impacted the enjoyment of collective rights.

Decolonial Critique. A) embraced indigenous epistemologies and ontologies; B) addressed existing racist and colonial structures; C) respect indigenous legal systems.

Problem statement

My research explores how the emerging approach of biocultural diversity (ethnobiology and ethnoecology) can support and strengthen indigenous participation in climate change governance and conservations solutions while respecting indigenous epistemologies/ontologies and right to self-determination.

My research investigates three main areas:

- 1) Hybridization of the legal field (legal pluralism; legal studies, indigenous studies, decolonial scholarship, political ecology, ethnoecology)
- 2) Implementation of the jurisprudence on biocultural rights (legal studies, indigenous studies, political ecology, ----judges, lawyers, policymakers)
- 3) Paradigm change for UN conservation policies (legal studies, indigenous studies, political ecology, ----policymakers)

Methodology and framework

Methodological tools from constructivist, legal pluralism, decolonial, and Science, Technology and Social Studies. Analyze court decisions, indigenous customary law, international law, UN documents, and interviews collected during field works. Geographic area: Mexico, Colombia, Ecuador, Australia, international.

Epistemologies of the South production and validation of knowledges anchored in the experiences of resistance of all those social groups that have systematically suffered injustice, oppression, and destruction caused by capitalism, colonialism, and patriarchy (Boaventura de Sousa Santos, 2018)

Knowing-with: participatory methodology

Contribute to the dialogue of knowledge/epistemologies of knowledge

Special Rapporteur on the Rights of Indigenous Peoples- Francisco Cali Tzay

- Promote good practices, including new laws, government programs, and constructive agreements between indigenous peoples and states, to implement international standards concerning the rights of indigenous peoples;
- Make recommendations and proposals on appropriate measures to prevent and remedy violations of the rights of indigenous peoples;
- Report on the human rights situations of indigenous peoples around the world;
- Address specific cases of alleged violations of indigenous peoples' rights.

<https://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx>



Call for inputs from the mandate of the Special Rapporteur on the rights of indigenous peoples for his report to be presented at the 76th session of the UN General Assembly

Deadline	17 March 2021
Issued by	Special Rapporteur on the rights of indigenous peoples
Purpose	To inform the SR's report to be presented to the General Assembly, October 2021

Pursuant to resolution 42/20 of the Human Rights Council, the Special Rapporteur on the rights of indigenous peoples will dedicate his annual report to the General Assembly to the **Situation of Indigenous Peoples living in Urban Areas**. The report will review the reasons for urbanisation, its impacts and the initiatives undertaken by States, indigenous peoples and other stakeholders to ensure that the rights and specific needs of urban indigenous peoples are addressed.

The majority of the world's indigenous peoples live in urban environments. The Special Rapporteur will consider the specific causes and consequences of urbanisation. Voluntary migration may occur when indigenous peoples move to urban areas in search of employment and education opportunities, while others experience forced migration from evictions, land dispossession and militarization or due to environmental degradation and natural disasters caused by climate change.

Regardless of the reasons for migration, urban indigenous peoples continue to experience the legacy of colonisation and inter-generational trauma and face a unique set of challenges to their sense of identity, culture and connection to lands and resources. The study will also examine the impacts on indigenous peoples who occupy traditional territories that have transformed into metropolitan areas over time.

The need to address issues of poverty, racism, racial discrimination, marginalisation and to strengthen support for indigenous peoples living in urban areas is evident. In the mandate's view, it is essential to secure greater accountability of State and non-State actors for violations of the rights of urban indigenous peoples and to put in place measures to remove existing obstacles. States and other stakeholders have a responsibility to adopt legislation, policies and programs to provide collective protection mechanisms for urban indigenous peoples. These special measures and obligations must consider individual and collective rights and be developed in

ANNEX

QUESTIONS FROM THE SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES:

Urbanisation and indigenous peoples

1. What are the key factors driving the urbanisation of indigenous peoples? How has this impacted the social, economic and cultural cohesion of indigenous communities throughout the world?
2. Please provide examples of indigenous peoples continuously occupying traditional territories that have developed into metropolitan areas over time and the impact of the urbanisation on their collective rights.

Discrimination

3. What are the effects of racism and racial discrimination on urban indigenous peoples? Consider access to essential services, employment, healthcare, education, child welfare, domestic violence services, law enforcement and incarceration.

Identity, recognition and culture

4. In what ways have indigenous peoples' collective culture and identity changed by adapting to living in urban areas? How can indigenous peoples maintain their traditional knowledge, language and connection to their traditions and ancestral lands when living in urban environments?

At risk populations

5. Some indigenous peoples are at even greater risk of human rights violations due to intersecting forms of discrimination including but not limited to women and girls, persons with disabilities, LGBTI persons, and children. Please explain the specific situations and views of these groups and the requirements needed to ensure that their rights are recognised and protected.

Indigenous-led initiatives and State responses

6. Please provide examples of resilience, best practices and strategies employed by indigenous movements or organisations to improve the living conditions of urban indigenous peoples.
7. What are States currently doing to address the needs of urban indigenous peoples in both law and practice? Examples may include protocols to guarantee political representation, participation of urban indigenous peoples in decision making, social programs, urban planning, land use regulations, or support for

Special Procedures

About Special Procedures

Submitting complaints

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Special Rapporteur on indigenous peoples

Overview

Mandate

International standards

Current mandate holder

Annual thematic reports

Country visits

Activities

Communications

Comments on legislation and policy

Videos

Recent thematic reports

Impact of the coronavirus (2020)

Mandate impacts and consultation processes

- Two thematic reports
- Two country visits
- Communications to States
- Amici curiae and Expert testimonies in Courts
- Policy Briefs

- Contact

- indigenous@ohchr.org

- elisamarchi@arizona.edu

- Website:

- <https://www.ohchr.org/en/issues/ipeoples/srindigeno-uspeoples/pages/sripeoplesindex.aspx>

- Soon: UoA SR Website

THANK YOU

